

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MARIA SOLANGE FERRARINI, :
Plaintiff, : 19 Civ. 00096 (LGS)
-against- :
IPEK IRGIT, et al., : ORDER
Defendants. :
-----X

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on March 5, 2020, Plaintiff was ordered to file her letter motion seeking to certify a question to the United States Copyright Office by March 11, 2020 (Dkt. No. 125);

WHEREAS, no such letter was filed;

WHEREAS, on March 23, 2020, Plaintiff was ordered to file her opposition to Defendants' motion for summary judgment, and her cross-motion for summary judgment, by April 15, 2020 (Dkt. 127);

WHEREAS, Plaintiff failed to file any opposition or cross-motion for summary judgment on April 15, 2020;

WHEREAS, on April 16, 2020, Plaintiff filed a letter motion seeking a one-week extension to file her opposition to Defendants' motion for summary judgment and her cross-motion for summary judgment (Dkt. No. 132). Defendants filed a letter in opposition (Dkt. No. 133);

WHEREAS, on April 17, 2020, the Court granted Plaintiff's application for a one-week extension, and directed Plaintiff to file any opposition to Defendants' motion for summary

judgment and her cross-motion for summary judgment by April 22, 2020. The Order stated that further extensions will not be granted, and reminded Plaintiff that compliance with this Court's Orders and Individual Rules is not optional (Dkt. No. 134);

WHEREAS, Plaintiff failed to file any opposition to Defendants' motion for summary judgment or cross-motion for summary judgment on April 22, 2020;

WHEREAS, on April 23, 2020, Defendants filed a letter requesting that the Court deem Defendants' motion for summary judgment fully briefed, and deny any further applications by Plaintiff to file a cross-motion for summary judgment as untimely (Dkt. No. 135);

WHEREAS, on April 27, 2020, Plaintiff filed a letter seeking a second extension through April 30, 2020 to file (1) her opposition to Defendants' motion for summary judgment; (2) her cross-motion for summary judgment; and (3) a motion to certify a question to the register of copyrights. The letter asserted that Plaintiffs' counsel was ill with cat scratch fever in the days leading up to, and on the day of, the deadline to file Plaintiffs' opposition and cross-motion for summary judgment, and argues that the untimely filings should be accepted because of the Second Circuit's preference for deciding cases on the merits and because Defendants are not prejudiced by the delay (Dkt. No. 136);

WHEREAS, on April 27, 2020, Defendants filed a letter in opposition, arguing that Plaintiff's "lackadaisical compliance with this Court's Order and Individual Rules . . . causes expense to Defendants, demonstrates a lack of respect for the authority of the Court, and erodes the fundamental principle that both sides are judged by, and required to comply with, the same standards." Defendants' letter requests that the Court deny Plaintiff's request for an extension, "at very least to prohibit Plaintiff's filing a cross-motion for partial summary judgment which, even if granted, will not obviate the need for a trial." Defendants further oppose Plaintiff's

request to file a motion to certify a question to the United States Copyright Office on the grounds that she waived the right to do so by failing to file by the March 11, 2020, deadline set by the Court (Dkt. No 137). It is hereby

ORDERED that Plaintiff's request for an extension to file an opposition to Defendants' motion for summary judgment is **GRANTED**. Plaintiff shall file any opposition to Defendants' motion for summary judgment, not to exceed twenty-five (25) pages, by **April 29, 2020**. The motion will be deemed fully submitted as of that date, and any failure to file an opposition will be deemed a waiver of Plaintiff's right to do so. Defendants shall file any reply in support of their motion for summary judgment, not to exceed ten (10) pages, by **May 20, 2020**. Defendants shall provide courtesy copies of all briefs to the Court in accordance with the Court's Individual Rule III.B.5, and the parties shall otherwise comply with the Court's Individual Rules in filing their motions and supporting papers. It is further

ORDERED that Plaintiff's request to file a motion to certify a question to the United States Copyright Office is **DENIED**. Plaintiff waived her right to file any letter motion or motion to certify a question to the United States Copyright Office by failing to timely file the letter by the March 11, 2020, deadline set by this Court's Order at Dkt. No. 125, and by failing to request an extension of that deadline at any time prior to or since that deadline. It is further

ORDERED that Plaintiff's request for an extension to file a cross-motion for summary judgment is **DENIED**. Plaintiff waived her right to file an affirmative motion for summary judgment, or a *Daubert* motion, by failing to timely file the motion by the deadlines set by this Court's Orders at Dkt. Nos. 127 and 134 and by failing to timely file a request for an extension. If there remain unresolved disputes following resolution of Defendants' motion for summary

judgment, Plaintiff may renew her request to file a motion for summary judgment or a *Daubert* motion at that time.

Dated: April 27, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE